

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID FINNEY, an individual,)
Plaintiff,)
v.)
NISSAN NORTH AMERICA, INC.,)
a foreign corporation; TAKATA U.S.A.)
CORPORATION d/b/a TAKATA)
CORPORATION, a foreign corporation,)
Et al.)
Defendants.)

CV. NO. 3:06-CV-622-WKW

JOINT MOTION BY ALL PARTIES TO EXTEND SCHEDULING ORDER

The parties respectfully request that this Court extend the current Scheduling Order deadlines by two months. In support of this motion, the parties state as follows:

1. This is a product liability action in which the Plaintiff, David Finney, alleges that defects in his 1992 Nissan Sentra caused him to suffer enhanced injuries in an accident that occurred on September 3, 2006.
2. The parties are in the midst of discovery. Because of the technical nature of Plaintiff's claims, the parties have retained numerous expert witnesses. The current Scheduling Order requires that Plaintiff provide Rule 26 expert reports by December 11, 2007, and that Defendants provide Rule 26 expert reports by January 4, 2008. All discovery is to be completed by January 18, 2008. Plaintiff has recently requested supplemental discovery responses from both Defendants. These outstanding discovery requests may be germane to expert opinions and may require court intervention to resolve.

3. On November 12, 2007, the parties met informally to discuss settlement. Although the parties were unable to resolve the case at that time, it was agreed that the parties would conduct a formal mediation in mid-December. The parties are presently in the process of scheduling that mediation.
4. In order to allow the parties time to adequately prepare and provide Rule 26 information, and to pursue settlement through mediation, the parties hereby jointly request that the deadlines contained in the current Scheduling Order be extended by sixty (60) days. The parties believe such an extension is reasonable and necessary to allow the parties to explore settlement prior to incurring the substantial expenses associated with expert discovery. In addition, given the number of expert witnesses involved, the parties believe it is unlikely that all discovery, including expert depositions, can be completed by the January 18, 2008 deadline.
5. The parties agree that an extension of all deadlines by sixty (60) days will permit the orderly and efficient completion of discovery, preparation and disclosure of Rule 26 information, and preparation of the case for trial.

Respectfully submitted, this 21 day of November, 2007.

[Signatures on next page]

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